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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,630	02/10/2004	Kenneth Conner	4131-89327	1320
24628	7590	09/27/2006	EXAMINER	
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			CLEMENT, MICHELLE RENEE	
			ART UNIT	PAPER NUMBER
			3641	

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/775,630	Applicant(s) CONNER, KENNETH	
	Examiner Michelle (Shelley) Clement	Art Unit 3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 4, 5 and 10-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 7/13/06 have been fully considered but they are not persuasive. In response to applicant's contention that Boudreau does not disclose a spring disposed completely outside the internal chamber it is noted that Figure 3 of Boudreau clearly shows this feature. The magazine of Boudreau comprises an elongated housing having an internal chamber (the area delineated between elongated recesses 11 and the wall of the housing, this is as much as applicant has disclosed the internal chamber in that the internal chamber is open to the chamber where the spring is disposed)(See examiner's notes on figures), the spring 12 is disposed completely outside the internal chamber (the purpose of the flanges 11 is to confine the spring to the forward part of the magazine and keep the spring outside of the internal chamber). Applicant appears to be arguing that the area between the flanges 11 and the wall of the magazine cannot be the internal chamber because applicant claims that the internal chamber is for holding a plurality a cartridges, it is noted that 1) this is an intended use of the internal chamber in that applicant has neither positively recited the claimed cartridges nor claimed the magazine in combination with cartridges and 2) there is no recitation in the claims that the entire cartridge must be disposed within the internal chamber and Boudreau clearly shows that cartridges are capable of being held in the internal chamber (see Figure 3). Although the entire cartridge shown by Boudreau is not disposed within the internal cartridge that feature is not a limitation of the present claims.
2. For the reasons stated above the rejections stand.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Boudreau (US Patent # 2,396,816). Boudreau discloses an ammunition clip for supplying cartridges to a firearm, the ammunition clip comprising an elongated housing having an internal chamber for holding a plurality of laterally aligned cartridges, the elongated housing having a loading end and an opposing end, a movable carriage disposed within the internal chamber for urging the aligned cartridges towards the loading end, a spring that urges the movable carriage towards the loading end, the spring being disposed completely outside the internal chamber (inasmuch as applicant's spring is disposed outside the internal chamber, the internal chamber is open to the area containing the spring) (Figure 8). The spring being coupled on a first end to the elongated housing and on a second end to the movable carriage and being operatable in a direction of spring pressure that is parallel to a longitudinal axis of the longitudinal housing. The spring comprising a coil, compression spring. The elongated housing comprising a longitudinal slot in a wall of the elongated housing that accepts a spring follower slide that extends through the slot to engage the movable carriage inside the internal chamber and the spring outside the internal chamber (at references 11). The elongated housing comprises a longitudinal slot in the sidewall that accepts an end of a transverse guide pin disposed in the movable carriage.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boudreau as applied to claims 1 and 6 above. Boudreau discloses the claimed invention except for the elongated housing comprising a pair of slots. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have two slots in the housing, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

7. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boudreau as applied to claims 1, 6 and 7 above, and further in view of Warner (US Patent # 2,441,735). Although Boudreau does not expressly disclose the ammunition clip further comprising a secondary spring that connects the spring follower slide to the transverse pin of the movable carriage, Warner does. Warner teaches an ammunition clip having a secondary spring for connecting the spring follower slide to the movable carriage in order to keep the movable carriage in alignment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the secondary spring as taught by Warner with the clip as taught by Boudreau. The suggestion/motivation for doing so would have been to obtain an ammunition clip with better alignment. Although Warner teaches the secondary spring comprising a helical spring rather than a leaf spring, it would have been obvious to one having

Art Unit: 3641

ordinary skill in the art at the time the invention was made to use a leaf spring, since it has been held to be within the general skill of a worker in the art to select a known mechanical element, such as a spring, on the basis of its suitability for the intended use as a matter of obvious design choice, and applicant has not disclosed that a leaf spring is for any particular purpose or solves any stated problem and it appears that the invention would perform equally well with any well known type of spring.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle (Shelley) Clement whose telephone number is 571.272.6884. The examiner can normally be reached on Monday thru Thursday 9-5.

Art Unit: 3641

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571.272.6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

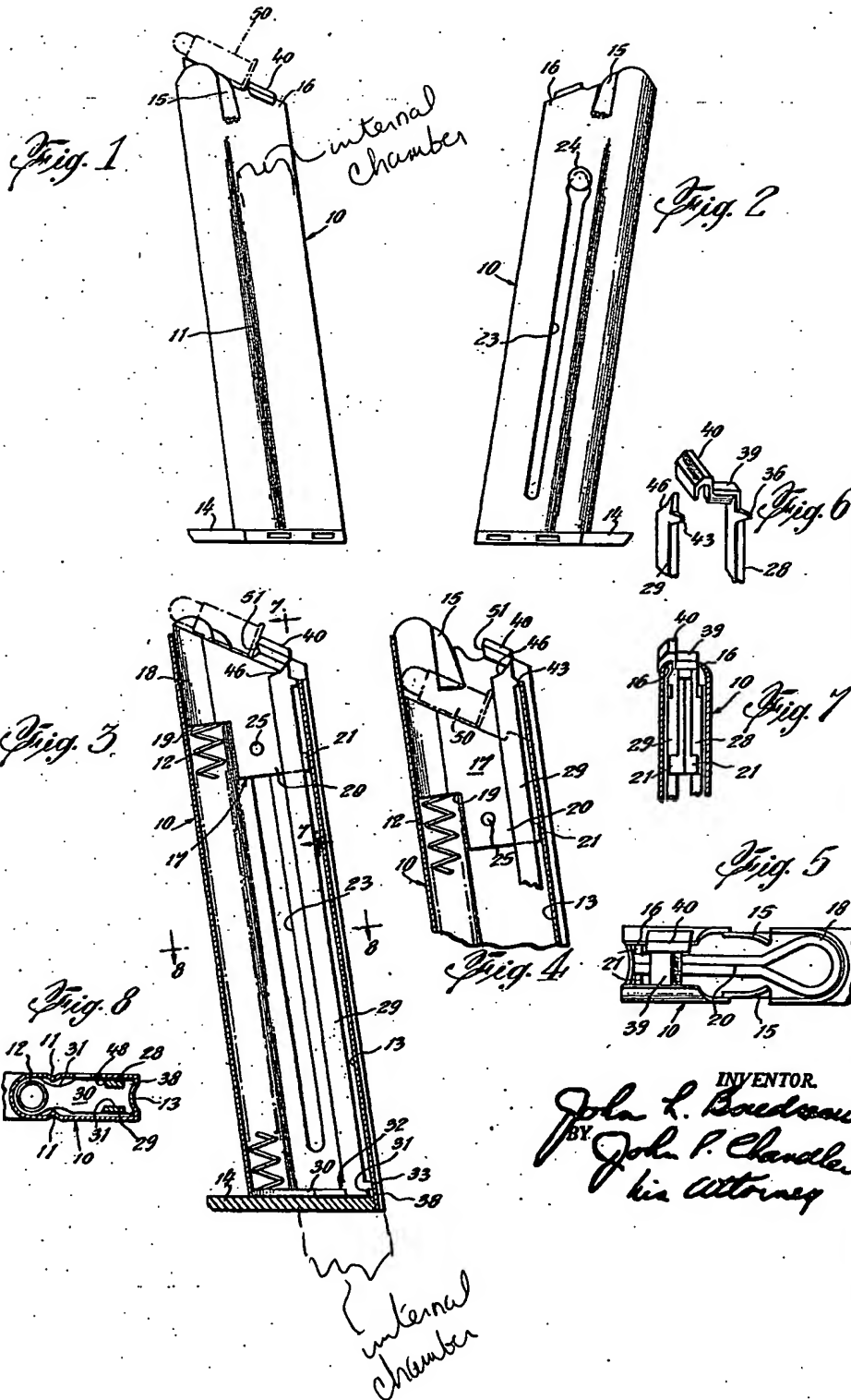
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M Clement
MICHELLE CLEMENT
PRIMARY EXAMINER

March 19, 1946.

J. L. BOUDREAU
MAGAZINE CONVERSION UNIT
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2,396,816



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